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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALL BUILDING AND PROPERTY
SERVICES, INC., a Nevada corporation,

Plaintiff,

v.

ROBERT E. POOLE, TRUSTEE
DOROTHY D. POOLE TRUST;
DOROTHY D. POOLE, TRUSTEE
DOROTHY D. POOLE TRUST;
DOROTHY D. POOLE TRUST;
VISTA POINTE HOMEOWNERS
ASSOCIATION, a Nevada Non Profit
Cooperative Corporation;
LEACH KERN GRUCHOW ANDERSON
SONG, LTD., a Nevada Limited Liability
Company,
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT;
DOES 1 through 10, inclusive;

Defendants.

Case No. : . 3:21-cv-00400-LRH-WGC

**ORDER GRANTING
MOTION TO EXTEND TIME TO
SERVE THE DEFENDANT THE
DOROTHY D. POOLE TRUST**

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1 Comes now Plaintiff ALL BUILDING AND PROPERTY SERVICES, INC., by and
2 through its attorney, Kerry P. Faughnan, Esq., who moves for an approximate 60 day extension
3 of time to serve the DOROTHY D. POOLE TRUST, (the “Trust”) to Monday, January 10,
4 2022.

5 In furtherance of the motion, Plaintiff’s counsel states:

6 This is a declaratory relief action concerning the title of real property located in Reno,
7 Nevada after a HOA foreclosure, ECF #1.

8 The property in question the subject of this action is located at 3734 Ranch Crest Dr,
9 Reno NV 89509, and was previously titled in the name of the Dorothy D. Poole Trust, Dorothy
10 D. Poole and Robert E. Poole, Trustees.

11 The Trust is a necessary party to the action for declaratory relief concerning title as the
12 Trust was the former owner of record foreclosed upon.

13 FRCP 4(m) requires service upon a party within 90 days of the filing of the complaint,
14 which may be extended by motion to the court for a similar period. This matter was originally
15 filed in state court August 12, 2021, then removed to this court. State court has a 120 day time
16 limit to serve a copy of a summons and complaint, NRCP 4(e).

17 On October 22, 2021, Plaintiff was able to obtain Death Certificates on the two trustees,
18 which provided a point of contact in the State of Washington for a daughter of the deceased, a
19 Sally (Poole) Honnold. See Suggestion of Death Upon the Record of Robert E. Poole and
20 Dorothy D. Poole, ECF #10.

21 Upon information and belief, after investigation by counsel of the Washoe District
22 Court docket, no probate was ever opened in Washoe County, Nevada for either Dorothy D.
23 Poole, Robert E. Poole, or their Trust.

1 The last known address for the Trust according to the records of the Washoe County
2 Treasurer's office to send property tax bills to was 9516 55th St. W., University Place, WA
3 98467, also that of Sally (Poole) Honnold as stated on the death certificate.

4 The aforementioned address of Sally (Poole) Honnold is no longer valid, but she has
5 been located on social media and it is believed the additional time requested will allow Plaintiff
6 to find her new location, and to serve her as a successor to the deceased trustees. If she can not
7 be located, a motion for service publication can subsequently be brought if necessary within the
8 extension of time.
9

10 CONCLUSION

11 For the above and foregoing reasons, good cause exists for the court to extend the time
12 of service upon the Trust approximately 60 days beyond its original due date, to Monday,
13 January 10, 2022, Plaintiff only recently confirming the death of both the original trustees.
14

15 I declare the foregoing true and correct to the best of my knowledge and belief.

16 DATED October 24, 2021,

/s/ Kerry P. Faughnan

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21 IT IS SO ORDERED.

22
23 William G. Cobb
24 U.S. MAGISTRATE JUDGE

25 Dated: November 10, 2021.
26 _____
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